G. R. S 59] GPB—15,000—20 12 13

GENERAL AND REVENUE SECRETARIAT.

1913.

( Mangrui )

**File No.** 495

**Serial Nos.** 163

## Papers Filed.

***Month*** May 6th

SUBJECT.

Objections to the acceptance of the Cash deposit of Rs 20000/- by Thayamma of the C & M. Station

| PREVIOUS REFERENCES. | LATER REFERENCES |
|---|---|
| M 727 — 11 | 495 169-15 |

B Dasappa

G R S. 11

GENERAL AND REVENUE SECRETARIAT

( Muzrai )

NOTES.

File No. 495/13

FILE HEADING.

Objections to the acceptance of the cash deposit of Rs 20 000 offered by Jayamma for some charitable purpose in the C & M Station, Bangalore

From

Mr. B Murti Rao, Advocate, Bangalore.

~~No.~~ (Notice) No. 840 Dated 13-4-1914 Received 16-4-1914

| Diary No 1940 | Enclos - | Spare Copies - | Serial No. 1 |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER.

States that the chattram intended for feeding students by the donor belongs to Ramaswamy temple in the C & M Station, Bangalore, and requests that the objections of the Trustees and Directors of the institution may be heard by Govt.

NOTES AND ORDERS.

Muzrai D. no 727-11 is put up.

2 Jayamma of C & M Station, Bangalore, notified Govt in June 1912 stating that her husband - Bhoopalam Subraya Chetty (since deceased) had constructed a chattram

Serial No.

No. 214 in Narayana Pillai Street of the C & M Station, and offered to deposit with the Mysore Govt a sum of Rs 20,000 at the favorable rate of interest ~~formerly~~ with a view to feed 4 Brahmin and 6 Vaisya orphan boys studying in some recognized educational institutions. The matter went up before His Highness the Maharaja, and under His Highness' gracious orders, the deposit was accepted in Govt Pro. No 1005-8 Dy 24th September 1913.

3 Mr B. Murti Rao, Advocate, has given a notice on behalf of the Trustees and Directors of Sri Ramaswamy temple. It is alleged that the building wherein Jayamma proposes to feed the students, and which is situated within the precincts of Sri Ramaswamy temple was put up, at the request of Jayamma's husband, by the Temple authorities about the end of 1902, most of the funds required for the purpose being contributed by Subraya chetty, that the building in question is in the management of the temple authorities, that the Will

NOTE—Contn. sheet.

GPB—60,000—7 11 13

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relied on by Jayamma is not genuine and according to its terms, the hostel is to be for Vaisyas only and not for Brahmin boys as proposed by Jayamma, and that it is stated in the Will that Rs 20,000 should be used both for the maintenance of the building and for the upkeep of the Hostel. The Trustees say that assuming that the will is genuine and that the deceased has directed that the hostel is to be located in the temple premises, these conditions are not binding them as during his life-time Subrayachetty had no control over it, and that the building is unsuited for a Students' Hostel. They pray that within 10 days from the date of the receipt of this notice, they may be permitted to make their representation in writing or through their Advocate. They add that if Govt be not pleased to cancel or modify proceedings or otherwise assure them, they will resort to

NOTE—Contn. sheet.

GPB—60,000—7 11 13

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a Court of Law within 2 months and seek Redress.

4 The petitioner Thayamma says in her petition of June 1912 that her husband built the chattram in dispute, and had desired to feed some orphan boys.

Submitted for orders
BN(115)
21.4.1914 HH 21/4

Subd to 1st member.

The clients of Mr. Muthirao only impugn the claim put forward by Nagamma to the control of the chattram, and this is a matter which will have to be decided between them. The threat of a recourse to civil proceedings against Govt for a transfer of Title cannot have been meant seriously. If necessary Mr. Muthirao may be informed that the Govt had no intention to declare in the order in question the right of Nagamma or any other person to the possession or control of the building in dispute.

The Govt may be requested to intimate if Nagamma has deposited

NOTE—Contn. sheet.

GPB—60,000—7-11 13

Serial No

The account in question and executed the bond. If he has not done so, further action may be kept in abeyance pending the settlement after disputes until May amount ~~proper~~ submits fresh proposals for the due carrying out of the objects of the charitable deposit

he

2/ c in.

There is no necessity to stop further action. The Dy C= may merely be asked to report what has been done in the matter

The Advocate may be informed that the 1st Sentence of the f.d. referred is ~~not~~ my Neither Hanuma of title claimed by his clients nor a declaration of Lagamma's title but that it is merely meant as a representation made to govt by the party interested.

NOTE—Contn sheet.

GPB—60,000—7 11 13

Draft
by
25.

30/4/14

2/5

Serial No.

Subsd. with 2 Dfs for supply
MM 115 4.5.1914 4/5/14

affd
Lee
5.5.14

To Mr. Bhimsh Rao
Advocate.

No. 3156 dy 7.5.14 Informs that the first portion of the G.O. was no declaration of Khazanchi's title.

No. 3157 dy 7.5.14 To the Dy. Commr. Enquires what action has been taken in the matter.

NOTE—Contn sheet.

GPB—60,000—7 11 13

B. MURTI RAO, B.A., B.L.
BANGALORE CITY.
ADVOCATE.

B a n g a l o r e,

Dated, 13th April 1914.
1940

From,

B. Murti Rao, Esq., B.A., B.L.,
Advocate, Balepet,
B A N G A L O R E.

To,

The Secretary to the Government of His Highness the Maha-Raja of Mysore, General and Revenue Departments.

Sir,

I have been instructed by the trustees and Directors of Sri Ramaswamy Temple, Dharmaraja Street, C & M Station, ---- Bangalore, viz, Messrs. Gadi Sampangiramaswamy Setty and B.N. Narasimha Setty, Dharmakarthas, and Messrs. Batcha Ramiah Setty, Mada Kumbiah Setty, Vuppu Krishniah Chetty, Raja Narain Setty, Viralam Subbiah Setty, Kopparam Govindiah Setty, V.G.Kuppiah - Setty, Kudanuru Subbiah Setty, Bhupalam Venkatasubbiah Setty, Kottha Nanjundiah Setty and Kadugodi Krishnia Setty - Directors to give notice as follows to the Government on their behalf - which I hereby do.

1. It has recently come to the knowledge of the said - Trustees and Directors,

i. That one Thayamma, widow of the late Subbiah -- setty of C & M Station, Bangalore, approached the Government of Mysore about 5 or 6 months ago with a prayer to receive Rs.20,000/- from her for deposit in the Government Savings Bank, for the alleged Charitable purpose of opening a hostel for Brahmin and Vaisya students in C & M Station Bangalore;

ii. nat she represented to Government that her husband had built a Choultry of his own in C & M Station , Bangalore, that after his death the Choultry became hers and was under her management and control, that he had -- desired her to ppen a Hostel in the said Choultry for the benifit of Brahmin and Vaisya boys, that he had set apart Rs.20,000/- for the said purpose, and that she in pursuance of the said wishes of her deceased husband was going to found the charity;

iii. That the Government relying on these representations received the amount offered, and deposited the same in the Government Savings Bank as for a charitable purpose;

iv. That the Government passed Proceedings, providing for the instituting upkeep , and periodical supervision, of the said Students Hostel;

v. That the Government in furtherance of their -- object to help her to found the charitable institution - have already adopted and are yet adopting active measures to move the authorities in C & M Station to interest themselves in this matter and to see that the Hostel is opened as desired by her;

vi. That the hostel is consequently going to be -- opened in the said place at a very early date, and so on.

2. It is respectfully submitted that, if the representations made to the Government by Thayamma were as stated above, and if no more facts are brought to the notice of Government, then the said representations were false, and were deliberately so made, and material facts concealed, with ulterior motives as shown below.

3. The Vaisya people of C & M Station, Bangalore have - since about the year 1850, formed themselves into two groups — those who are the exclusive devotees of Kanikamma of Kanikamma temple,

temple, and those who are the exclusive devotees of Sri Ramaswamy of Sri Ramaswamy Temple. About the year 1900 Subbiah Setty, who belonged to the latter group, applied to the Trustees and Directors of Sri Ramaswamy Temple to permit him to find funds for the building of a building called an 'Assembly Room' on the vacant land of the temple to be dedicated, after completion, to the deity and to the votaries thereof. The temple authorities acceded to his request, whereupon he contributed most of the funds required for the purpose. The temple authorities put up the building about the end of 1902, which was then dedicated to Sri Ramaswamy and his votaries, and which has ever since been in the exclusive possession, management and control of the temple authorities. Subbiah Setty died about the early part of 1912, and after his death, his widow Thayamma and her brother Veeraraghava Setty attempted, without any right or justification, to interfere with the trustees' management of the building in question. Having failed in their attempts and not having had the courage to have their rights if duly established by competent tribunals, they seem to have resorted to the Government of Mysore, and with a view to enlist their sympathy and procure their powerful support, they seem to have made the representations above referred to, and to have suppressed material facts, concerning the ownership and character of the building, the declared intentions of the deceased Subbiah Setty, Thayamma's authority to act in the matter and so on.

4. It has come to the knowledge of the Trustees and Directors that Thayamma and her brother alleged the existence of a written Will of the deceased in the Court of the District Judge C & M Station Bangalore in Mis. Case No.65 of 1913, and that, without duly propounding it and obtaining a Probate of the said Will, they contented themselves by merely obtaining a certificate to collect some debts due to the estate of the deceased. The said Trustees and Directors have strong reasons

to beleive that the so-called Will is not a genuine document. According to its terms the Hostel is to be for Vaisya boys only, and not for Brahmin boys also as is proposed by Thayamma; besides the deceased Subbiah Setty has not directed that the Hostel is to be located in the temple premises in the building in question; nor is it stated in the Will that the whole of Rs.20,000/- is to be devoted for the purposes of a Hostel alone, but on the other hand it is distinctly stated that the income arising from Rs.20,000/- should be used both for the maintenance of the building in question, and also for the upkeep of a Hostel.

5. Assuming, but not conceeding, that the Will is genuine, and that the deceased has directed that the hostel is to be located in the temple premises and so on, still it is submitted that these conditions are not binding on the Trustees and Directors. During his own lifetime Subbiah Setty had no rights to, or powers of control over, the building in question, which was a part and parcel of the temple property, much less powers had he to confer by means of a Will such rights or powers to a third party to take effect after his death.

6. The founding of a Hostel in the place in question is quite opposed to the intentions and objects of those who built the building, and also to the uses to which it has still now been put. Eversince it was built, the Trustees and Directors have been using the building for purposes of religious worship for performing Bhajana, for accomodating Swamys and Sanyasins, for feeding purposes (Samaradhana) on suitable occasions, and so on.

7. It is also submitted that the proposed building is most unsuited for a student's hostel. It is surrounded on all sides by dwelling houses and is from the sanitary point of view unfit. It is a place of public resort and therefore inconve-

inconvenient for purposes of study. It is not also quite conducive to the morals of the students that may stop there, Nor of some women, who frequent the temple premises. ~~being or temple grounds women frequent the place~~.

8. It is very respectfully submitted that in urging their objections to the proposed Hostel, it is not the intention of the Trustees and Directors to stand in the way of Thayamma - carrying out her noble object. All that they want is that the Hostel is not located in the place in question. They are prepared to render such help as they can if the same is located in some other place.

9. The Trustees and Directors pray that within 10 days from the receipt of this notice an opportunity may be afforded them by the Government to make their representations either person or through their Advocate, when they hope to convince the Government of the truth and justness of their contentions.

10. It is respectfully submitted that the passing of proceedings and the taking of further action in the matter by the Government by way of helping Thayamma in her endeavours desirous to interfere with the property of Sri Ramaswamy, have amounted to a slander of title, and that if the Government be not pleased to cancel or modify proceedings or otherwise assure the Trustees and Directors that the Government will not interfere in any - manner, with the trustees and directors' powers of management and control over the building in question, they will be driven to the necessity of seeking redress in a Court of Law. Time given is two months from the date of receipt of this notice.

I beg to remain Sir
Your most obedient Servant
B Murti - Rao
Advocate.

R. S. 26]

File No. 495/13

Serial No. 7

Diary No. of letter replied to 1940

No. 3156

General and Revenue Secretariat

( )

. the 191

Date of issue 7th May 1914

Signed by Mr C Venkata Rao

To

The Advocate that Govt have not recognized the title of Jayamma to the chattram in dispute etc

With reference to his ~~application~~ letter regd no 1940 dy 13th April 1914 ~~presented on behalf~~ of the Trustees and Directors of Sri Ramaswamy temple, Dharmaraja Street, C & M Station, Bangalore, ~~impugning the claim put~~ forward by Jayamma wife of Subaraya chetty to the control of the chattram in Narayana Pille Street, Cytel and military Station,

over.

addressed to the undersigned on behalf

in the matter of the ~~Govt~~ ~~order~~ acceptance by Govt on favourable rates of interest of a charitable deposit made by one Nag amma for the conduct of a Students' hostel within the limits of C & M Station,

SUBJECT

Rev 6/15

suit is property
~~of his clients for the temple &c~~
Mr B. Murti Rao, Advocate,
Bangalore, is informed that
the first sentence of the last
order accepting Jayamma's
deposit ~~viz "one Bhupatarai~~ which is apparently the
Subraya chetty since deceased objectionable passage
built a chattram in Narayana alluded to
Pillé Street, bearing Municipal
No 214 in the Civil and
~~Military Station, Bangalore,~~
is neither a slander of any
title claimed by his clients
nor a declaration of Jayamma's
title, but that it ~~is~~ is merely
meant as a recital of the
made to Govt by the party
interested

B-O

Lia
5/1/14

DBH ---- sung
C/S. order 4/5/14 for Hg Secretary

*List of enclosures,*

*Copied by*

*Examined by*

GPB—25,000—8-8-11.

Enquiries what action has been taken on Jayamma's offer of the deposit of Rs 20,000 for charitable purposes

File No. 495/191

Serial No.

Diary No. of letter replied to 1940

No. 3157.

General and Revenue Secretariat

( )

, the 191 .

Date of issue 7th may 1914

Signed by Mr C. Venkata Rao.

To

The Dy Commr

Bangalore Dist

Sir

Adverting to Govt Pro. no. 1005-8 Muz. 727-11-2 dated 24th September 1913 accepting the deposit of a sum of Rs 20,000 at the favorable rate of interest offered by Jayamma, wife of Bhupalam Subraya chetty, as an endowment for a chattram in Narayana Pillai street, Civil and Military Station, Bangalore,

over.

SUBJECT.

I have

the honor to request you

report ~~as to~~

~~be informed what action~~

~~has been done in the~~

matter

~~By order~~ Yours

for Sec'y.

~~By~~

~~Ch. Order~~ Asst. Sec'y.

4/5/12

(as to what

steps have been taken in the

case and in what state

it is at present.

*List of enclosures.*

*Copied by*

*Examined by*

GPB—25,000—8-8-11.